

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-21476-CV-WILLIAMS

TOYOTA LEASE TRUST,

Plaintiff,

v.

310 MOTOR GROUP LLC,

Defendant.

ORDER

THIS MATTER is before the Court on Magistrate Judge Lisette M. Reid's Report and Recommendation (DE 39) ("**Report**") on Plaintiff's Motion for Preliminary Injunction (DE 12) ("**Motion**"). In the Report, Judge Reid recommends that the Motion be denied. (DE 39 at 1.) Specifically, the Report finds that Plaintiff: failed to establish that it has a substantial likelihood of success on the merits of its claims; failed to establish that it will suffer irreparable harm absent a preliminary injunction; failed to demonstrate that the threatened injury outweighs the harm the preliminary injunction would cause Defendant; and failed to establish that a preliminary injunction would serve the public interest. (See generally *id.*) Plaintiff filed an Objection¹ to the Report. (DE 46.) The Court conducted a *de novo* review of the portions of the Report to which Plaintiff objected and a review of

¹ The Court notes that the objections rehash arguments that were already presented to Judge Reid or simply disagree with the Report's conclusions. However, it is well settled that an objecting party may not "submit [] papers to a district court which are nothing more than a rehashing of the same arguments and positions taken in the original papers submitted to the Magistrate Judge. Clearly, parties are not to be afforded a 'second bite at the apple' when they file objections to a [Report]." *Marlite, Inc. v. Eckenrod*, 2012 WL 3614212, at *2 (S.D. Fla. Aug. 21, 2012) (quoting *Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F. Supp. 380, 382 (W.D.N.Y. 1992)).

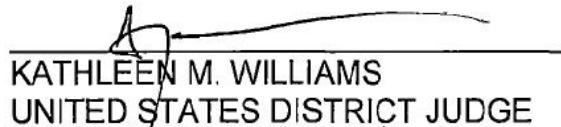
the remainder of the Report for clear error.

Having carefully reviewed the Report, the Objection, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 39) is **AFFIRMED AND ADOPTED**.
2. Plaintiff's Motion for Preliminary Injunction (DE 12) is **DENIED**.

The Parties are advised for a second time that they must fully comply with the Federal Rules of Civil Procedure, the Local Rules for the Southern District of Florida, the Court's Practices and Procedures, and the Court's orders, including each deadline set forth by the Court. Failure to do so may result in the imposition of sanctions.

DONE AND ORDERED in Chambers in Miami, Florida, this 31st day of July, 2023.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE